

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 4677**  
**OFFERED BY MR. GRIJALVA OF ARIZONA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “New York-New Jersey  
3 Watershed Protection Act”.

**4 SEC. 2. DEFINITIONS.**

5       In this Act:

6           (1) **APPROVED PLANS.**—The term “approved  
7 plan”—

8               (A) means any plan for management of the  
9 New York-New Jersey Watershed—

10               (i) that has been approved by a Fed-  
11 eral, regional, State, Tribal, or local gov-  
12 ernmental entity, including but not limited  
13 to State Wildlife Action Plans, Comprehen-  
14 sive Conservation Management Plans, Wa-  
15 tershed Improvement Plans; or

16               (ii) that is determined by the Direc-  
17 tor, in consultation with such entities, to

1 contribute to the achievement of the pur-  
2 poses of this Act; and

3 (B) includes the New York-New Jersey  
4 Harbor & Estuary Program (HEP) Action  
5 Agenda, the Hudson Raritan Comprehensive  
6 Restoration Plan, the Hudson River Com-  
7 prehensive Restoration Plan, the Hudson River  
8 Estuary Program Action Agenda, the Mohawk  
9 River Action Agenda, the Sustainable Raritan  
10 River Initiative Action Plan, the Lower Passaic  
11 and Bronx & Harlem Federal Urban Waters  
12 Partnership Workplans, the New Jersey Sports  
13 and Exhibition Authority Meadowlands Res-  
14 toration Plan, as well as other conservation  
15 projects in the region that achieve the purposes  
16 of this Act.

17 (2) DIRECTOR.—The term “Director” means  
18 the Director of the United States Fish and Wildlife  
19 Service.

20 (3) ENVIRONMENTAL JUSTICE.—The term “en-  
21 vironmental justice” means the fair treatment and  
22 meaningful involvement of all people regardless of  
23 race, color, national origin, or income, with respect  
24 to the development, implementation, and enforce-

1       ment of environmental laws, regulations, and poli-  
2       cies.

3           (4) FOUNDATION.—The term “Foundation”  
4       means the National Fish and Wildlife Foundation.

5           (5) GRANT PROGRAM.—The term “grant pro-  
6       gram” means the voluntary New York-New Jersey  
7       Watershed Restoration Grant Program established  
8       under section 4.

9           (6) PROGRAM.—The term “program” means  
10      the New York-New Jersey Watershed Restoration  
11      Program established under section 3.

12          (7) RESTORATION AND PROTECTION.—The  
13      term “restoration and protection” means the con-  
14      servation, stewardship, and enhancement of habitat  
15      for fish and wildlife and water quality to preserve  
16      and improve ecosystems and ecological processes on  
17      which they depend and for use and enjoyment by the  
18      public.

19          (8) SECRETARY.—The term “Secretary” means  
20      the Secretary of the Interior, acting through the Di-  
21      rector.

22          (9) SERVICE.—The term “Service” means the  
23      United States Fish and Wildlife Service.

24          (10) WATERSHED.—The term “Watershed”  
25      means the New York-New Jersey Watershed, which

1 is comprised of all land area whose surface water  
2 drains into New York-New Jersey Harbor, the  
3 waters contained within that land area, and the es-  
4 tuaries associated with those watersheds.

5 **SEC. 3. PROGRAM ESTABLISHMENT.**

6 (a) ESTABLISHMENT.—Not later than 180 days after  
7 the date of the enactment of this Act, the Secretary shall  
8 establish a nonregulatory program to be known as the  
9 “New York-New Jersey Watershed Restoration Program”.

10 (b) DUTIES.—In carrying out the program, the Sec-  
11 retary shall—

12 (1) draw on existing and new approved plans  
13 for the Watershed, or portions of the Watershed,  
14 and work in consultation with applicable manage-  
15 ment entities, including representatives of the New  
16 York-New Jersey Harbor and Estuary Program  
17 (HEP), Hudson River Estuary Program, Mohawk  
18 River Basin Program, Sustainable Raritan River  
19 Initiative, the Federal Government, and other State  
20 and local governments, and regional and nonprofit  
21 organizations, as appropriate, to identify, prioritize,  
22 and implement restoration and protection activities  
23 within the Watershed; and

24 (2) adopt a Watershed-wide strategy that—

1 (A) supports the implementation of a  
2 shared set of science-based restoration and pro-  
3 tection activities developed in accordance with  
4 paragraph (1);

5 (B) targets cost-effective projects with  
6 measurable results;

7 (C) maximizes conservation outcomes;

8 (D) recognizes the needs of communities  
9 experiencing environmental injustice; and

10 (E) establishes the voluntary grant and  
11 technical assistance programs authorized in this  
12 Act.

13 (c) CONSULTATION AND COORDINATION.—In estab-  
14 lishing the program, the Secretary shall, as appropriate—

15 (1) consult with—

16 (A) the heads of Federal agencies, includ-  
17 ing—

18 (i) the Administrator of the Environ-  
19 mental Protection Agency;

20 (ii) the Administrator of the National  
21 Oceanic and Atmospheric Administration;

22 (iii) the Secretary of the U.S. Depart-  
23 ment of Agriculture;

24 (iv) the Director of the National Park  
25 Service; and

1 (v) other agencies, as appropriate; and

2 (B) Indian Tribes; and

3 (2) coordinate with—

4 (A) the Governors of New York and New  
5 Jersey, along with the Commissioner of the  
6 New York State Department of Environmental  
7 Conservation and the Director of the New Jer-  
8 sey Division of Fish and Wildlife;

9 (B) the New York-New Jersey Harbor &  
10 Estuary Program; and

11 (C) other public agencies and organizations  
12 with authority for the planning and implemen-  
13 tation of conservation strategies in the Water-  
14 shed.

15 (d) PURPOSES.—The purposes of the program in-  
16 clude—

17 (1) coordinating restoration and protection ac-  
18 tivities among Federal, State, Tribal, local, and re-  
19 gional entities and conservation partners throughout  
20 the Watershed;

21 (2) carrying out coordinated restoration and  
22 protection activities, and providing for technical as-  
23 sistance throughout the Watershed—

24 (A) to sustain and enhance fish and wild-  
25 life habitat restoration and protection activities;

1 (B) to improve and maintain water quality  
2 to support fish, wildlife, and their habitat, as  
3 well as to improve opportunities for public ac-  
4 cess and recreation in the Watershed consistent  
5 with the ecological needs of fish and wildlife  
6 habitat;

7 (C) to advance the use of natural and na-  
8 ture-based features, living shoreline, natural cli-  
9 mate solutions, and other green infrastructure  
10 techniques to maximize the resilience of com-  
11 munities, natural systems, and habitats under  
12 changing sea levels, storm risks, and watershed  
13 conditions;

14 (D) to engage the public, particularly com-  
15 munities experiencing environmental injustice,  
16 through outreach, education, and community  
17 involvement to increase capacity and support  
18 for coordinated restoration and protection ac-  
19 tivities in the Watershed;

20 (E) to increase scientific capacity to sup-  
21 port the planning, monitoring, and research ac-  
22 tivities necessary to carry out coordinated res-  
23 toration and protection activities;

1 (F) to provide for feasibility and planning  
2 studies for projects that achieve habitat restora-  
3 tion and stormwater management goals;

4 (G) to support land conservation and man-  
5 agement activities necessary to fulfill the Wa-  
6 tershed-wide strategy adopted under subsection  
7 (b);

8 (H) to provide technical assistance to carry  
9 out restoration and protection activities in the  
10 Watershed;

11 (I) to monitor environmental quality to as-  
12 sess progress toward the goals of this Act; and

13 (J) to improve fish and wildlife habitats,  
14 as well as opportunities for personal recreation,  
15 along rivers and shore fronts within commu-  
16 nities experiencing environmental injustice; and

17 (3) other activities necessary for the implemen-  
18 tation of approved plans.

19 **SEC. 4. NEW YORK-NEW JERSEY WATERSHED RESTORA-**  
20 **TION GRANT PROGRAM.**

21 (a) ESTABLISHMENT.—The Secretary shall establish  
22 a voluntary grant and technical assistance program, to be  
23 known as the “New York-New Jersey Watershed Restora-  
24 tion Grant Program”, to provide competitive matching  
25 grants of varying amounts to State, Tribal and local gov-



ernments, nonprofit organizations, institutions of higher education, and other eligible entities to carry out activities described in section 3(d)(2).

(b) CRITERIA.—The Secretary, in consultation with the agencies, organizations, and other persons referred to in section 3(c), shall develop criteria for the grant program to help ensure that activities funded under this section accomplish one or more of the purposes identified in section 3(d)(2) and advance the implementation of priority actions or needs identified in the Watershed-wide strategy adopted under section 3(b)(2).

(c) CAPACITY BUILDING.—The Secretary shall include grant program provisions designed to increase the effectiveness of organizations that work at the nexus of natural resource and community health issues within the New York-New Jersey Watershed by addressing organizational capacity needs.

(d) COST SHARING.—

(1) DEPARTMENT OF THE INTERIOR SHARE.—  
The Department of the Interior share of the cost of a project funded under the grant program shall not exceed 75 percent of the total cost of the activity, as determined by the Secretary.

(2) NON-DEPARTMENT OF THE INTERIOR SHARE.—

1 (A) IN GENERAL.—The non-Department of  
2 the Interior share of the cost of a project fund-  
3 ed under the grant program may be provided in  
4 cash or in the form of an in-kind contribution  
5 of services or materials.

6 (B) OTHER FEDERAL FUNDING.—Non-De-  
7 partment of the Interior Federal funds may be  
8 used for not more than 25 percent of the total  
9 cost of a project funded under the grant pro-  
10 gram.

11 (3) WAIVER.—The Secretary may waive all or  
12 part of the matching requirement under section 4(d)  
13 if the Secretary determines that—

14 (A) no reasonable means are available  
15 through which an applicant can meet the  
16 matching requirement; and

17 (B) the probable benefit of the project out-  
18 weighs the public interest in the matching re-  
19 quirement.

20 (e) ADMINISTRATION.—

21 (1) IN GENERAL.—The Secretary may enter  
22 into an agreement to manage the grant program  
23 with the National Fish and Wildlife Foundation or  
24 a similar organization that offers grant management  
25 services.

1           (2) FUNDING.—If the Secretary enters into an  
2           agreement under paragraph (1), the organization se-  
3           lected shall—

4                   (A) for each fiscal year, receive amounts  
5                   made available to carry out this section in an  
6                   advance payment of the entire amounts on Oc-  
7                   tober 1 of that fiscal year, or as soon as prac-  
8                   ticable thereafter;

9                   (B) invest and reinvest those amounts for  
10                  the benefit of the grant program; and

11                  (C) otherwise administer the grant pro-  
12                  gram to support partnerships between the pub-  
13                  lic and private sectors in accordance with this  
14                  Act.

15           (3) REQUIREMENTS.—If the Secretary enters  
16           into an agreement with the Foundation under para-  
17           graph (1), any amounts received by the Foundation  
18           under this section shall be subject to the National  
19           Fish and Wildlife Foundation Establishment Act (16  
20           U.S.C. 3701 et seq.), excluding section 10(a) of that  
21           Act (16 U.S.C. 3709(a)).

22   **SEC. 5. ANNUAL REPORTS.**

23           Not later than 180 days after the date of enactment  
24           of this Act and annually thereafter, the Secretary shall  
25           submit to Congress a report on the implementation of this

1 Act, including a description of each project that has re-  
2 ceived funding under this Act in the preceding fiscal year.

3 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There is authorized to be appro-  
5 priated to the Secretary to carry out this Act \$25,000,000  
6 for each of fiscal years 2022 through 2027.

7 (b) USE FOR GRANT PROGRAM.—Of any amount  
8 made available under this section for each fiscal year, the  
9 Secretary shall use at least 75 percent to carry out the  
10 grant program under section 4 and to provide, or provide  
11 for, technical assistance under such program.

